IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MRS. JUSTICE K.HEMA

TUESDAY, THE 23RD JANUARY 2007 / 3RD MAGHA 1928

Crl.Rev.Pet.No. 332 of 2007()

CRA.572/2006 of V ADDL.SESSIONS COURT, ERNAKULAM
CC.1151/2003 of JUDL. MAGISTRATE OF FIRST CLASS-I, KOCHI

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REVN. PETITIONER: APPELLANT/ACCUSED:

BENNY, S/O. AUGUSTINE,
AGED 45, THOTTUKARA HOUSE, SCHOOLMITTAM,
OCHANTHURUTH P.O., ELANKUNNAPUZHA VILLAGE,
KOCHI TALUK.

BY ADV. SRI.BIJU PRASAD

RESPONDENTS: RESPONDENTS/COMPLAINANT & STATE:

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1. P.P. SURESH, S/O.PEETHAMBARAN,
PANIKKASSERY HOUSE, NARAKAL P.O., KOCHI TALUK.

2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI.T.N.SURESH
BY PUBLIC PROSECUTOR SRI.C.M.KAMMAPU.

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 23/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. HEMA, J.

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Crl.R.P. No. 332 of 2007

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Dated this the 23rd day of January, 2007.

ORDER

Revision Petitioner is the accused in C.C No. 1151 of 2003 on the file of the Judicial First Class Magistrate Court–I, Kochi. First respondent is the complainant therein. Revision petitioner was convicted and sentenced by the Magistrate's Court to undergo simple imprisonment for a period of two weeks under section 138 of the Negotiable Instruments Act and to pay a compensation of Rs.5,500/- in default to simple imprisonment for two weeks under section 357(3) Cr.P.C. In appeal filed by him, the conviction and sentence were confirmed by the Addl. Sessions Court. This revision arises from the said conviction and sentence.

2. At the time of hearing, both sides submitted that a petition as Crl.M.A.No.1008 of 2007 is filed for compounding the offence. It is also submitted by both sides that the matter is settled out of court amicably between the parties and the amount is also paid by the petitioner to the satisfaction of the first respondent-complainant. On hearing both sides and on going through the averments in the petition, I am satisfied that this is a fit case to grant permission to compound the offence.

In the result, the Revision Petitioner is acquitted of offence under section 138 of the Negotiable Instruments Act, as offence is compounded. He is set at liberty forthwith.

Crl. M.A.No.1008 of 2007 and Revision Petition are allowed.

K. HEMA, JUDGE.

Krs.